## BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION OF THE STATE OF MONTANA

In the matter of the adoption of a	)	
temporary emergency rule closing the	)	NOTICE OF ADOPTION OF A
Yellowstone River from Carters	)	TEMPORARY EMERGENCY RULE
Bridge to Highway 89 North Bridge	)	

## TO: All Concerned Persons

- 1. The Fish, Wildlife and Parks Commission (commission) has determined the following reasons justify the adoption of a temporary emergency rule:
- (a) The 9th Street Island Bridge in Livingston, Montana is in danger of collapsing.
- (b) Persons recreating on the river in these conditions would be subjected to:
  - (i) collapse of the bridge;
  - (ii) collision with dangerous debris due to the collapse of the bridge; or
- (iii) current debris built up behind the bridge that is a hazard to anyone recreating on the river.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the commission adopts the following temporary emergency rule. The Park County Sheriff's Office has requested this closure. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 13 of the 2008 Montana Administrative Register.
- 2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on July 24, 2008, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; or e-mail jesnyder@mt.gov.
- 3. The temporary emergency rule is effective June 20, 2008 when this rule notice is filed with the Secretary of State.
  - 4. The text of the temporary emergency rule provides as follows:

## RULE I YELLOWSTONE RIVER TEMPORARY EMERGENCY CLOSURE

- (1) The closed portion of the Yellowstone River is located in Park County.
- (2) The Yellowstone River is closed to all recreational use of the river between Carters Bridge and Highway 89 North Bridge.

(3) This rule is effective as long as the 9th Street Island Bridge is in danger of collapsing or until such time as debris from such collapse does not pose any danger. The commission delegates its authority to the Department of Fish, Wildlife and Parks (department), in consultation with the commissioner in the region, to determine when this portion of the river is again safe for boating, floating, fishing, and swimming and any other occupation of the water and to rescind the temporary emergency closure.

AUTH: 2-4-303, 87-1-303, MCA IMP: 2-4-303, 87-1-303, MCA

- 5. The rationale for the temporary emergency rule is as set forth in paragraph 1.
- 6. This rule will expire as soon as the department determines the river is again safe for boating, floating, fishing, and swimming and any other occupation of the river. Signs restricting use of the river will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.
- 7. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Snyder, Legal Unit, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; or e-mail jesnyder@mt.gov. Any comments must be received no later than August 18, 2008.
- 8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.
  - 9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Susan W. Daly
Susan W. Daly,
Acting Secretary
Fish, Wildlife and Parks Commission

/s/ Robert N. Lane
Robert N. Lane
Rule Reviewer

Certified to the Secretary of State June 20, 2008.